

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:
CHARLIE V. LANDY
PATRICIA A. LANDY

CHAPTER 13
CASE NO: 03-5-4498-C

DEBTOR(S)

TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN
RE:
COUNTRYWIDE HOME LOANS INC
US DEPARTMENT OF HUD

AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION
AND REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN
SIXTY (60) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE.
ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING
PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE
CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARION A. OLSON, JR., the duly appointed Chapter 13
Trustee in the above captioned proceeding and pursuant to 11 U.S.C.
Section 1329 moves this Court for an Order modifying the plan and in
support of same would show the Court as follows:

I.

This case was filed on Aug 13, 2003.

II.

This case was confirmed by Order of the Court on Dec 11, 2003.

III.

The Chapter 13 plan, as confirmed, called for the funding by the
Chapter 13 Trustee of certain pre-petition arrearage claims filed by
the mortgage holders upon the real property of the debtor(s). The Chapter
13 plan, as confirmed, also called for the maintenance of direct payments
to certain mortgage holders secured by the real property of the debtor(s).

IV.

The Trustee is in receipt of an Order lifting the automatic stay
pursuant to 11 U.S.C. Section 362 (d).

V.

The Trustee herein files this modification in order to terminate funding of the claim or claims filed by:

COUNTRYWIDE HOME LOANS INC
US DEPARTMENT OF HUD

VI.

In the event any creditor who has obtained an Order lifting the automatic stay, or other inferior lienholder in this case desires to file a deficiency claim, the Trustee seeks an Order requiring said creditor or creditors to file such deficiency claim by amending or replacing the claim within 90 days from the date of the Order modifying the plan as required by law

WHEREFORE, PREMISES CONSIDERED, the Chapter 13 Trustee respectfully requests that for the foregoing reasons the plan be modified in accordance with this motion and that the Chapter 13 Trustee be allowed to terminate funding of all claims which are secured by the real property to which the Order lifting stay pertains and for such other and further relief to which the Trustee may show himself justly titled.

Respectfully submitted,

/S/

MARION A. OLSON, JR.
Standing Chapter 13 Trustee
1020 NE Loop 410, Suite 800
San Antonio, Texas 78209
(210) 824-1460
Texas Bar No. 152756005

03-5-4498-C

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IN RE:

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DEBTOR(S)

CASE NO.: 03-5-4498-C

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached document was served on or about Oct 13, 2006 by First Class Mail, upon the following:

Debtor(s):
CHARLIE V. & PATRICIA A. LANDY
5911 AUTUMN LAKE

SAN ANTONIO TX
78222

United States Trustee:
Office of the US Trustee
P.O. Box 1539
San Antonio, TX
78295-1539

Attorney for Debtor(s):
CHARLES J BONDURANT
11825 IH 10 W #202
SAN ANTONIO TX

United States Bankruptcy Court
P.O. Box 1439
San Antonio, Texas 78295-1439

78230

AND TO THE CREDITORS AND PARTIES IN INTEREST LISTED BELOW:

COUNTRYWIDE HOME LOANS INC
7105 CORPORATE DRIVE
PLANO TX

75024

US DEPARTMENT OF HUD
P O BOX 105664
ATLANTA GA

30348-5664

BARRETT BURKE WILSON CASTLE
DAFFIN & FRAPPIER LLP
1900 ST JAMES PLACE STE 500
HOUSTON TX
77056

/S/

MARION A. OLSON, JR.
CHAPTER 13 TRUSTEE
1020 N.E. Loop 410, Suite 800
San Antonio, TX 78209
(210) 824-1460

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